

RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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BOARD OF MANAGERS OF THE 195 HUDSON
STREET CONDOMINIUM,

Plaintiff,

Index No. 118784/03

**AFFIDAVIT IN
SUPPORT OF MOTION**

-against-

195 HUDSON STREET ASSOCIATES, LLC;
195 HUDSON ASSOCIATES, LLC, STEVEN
BLUMENTHAL, SYNCHRON ACQUISITION
CORP., K&J CONSTRUCTION CO., LP,
PERFIDO & WEISKOPF ARCHITECTS,
KALLEN & LEMELSON CONSULTING
ENGINEERS, LLP and JEFFREY M. BROWN
ASSOCIATES, INC.,

Defendants.

-----X
STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

EDWARD OPALL, being duly sworn, deposes and says:

1. I am the Chief Financial Officer of Jeffrey M. Brown Associates, Inc. ("JMB"), and fully and personally familiar with the facts set forth herein. I make this affidavit in support of JMB's motion to dismiss the complaint herein.

Facts

2. This action arises out of a construction project located at 195 Hudson Street, New York, New York (the "Premises").

3. In or about March 1998, defendant 195 Hudson Street Associates, LLC ("Owner"), as owner, entered into a contract ("Contract") with defendant K&J Construction Co., L.P. ("K&J"), as construction manager, to renovate a warehouse/factory building into residential

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